

II. REMARKS

Claims 1-3, 39-41 and 44-52 are pending in this application. Claims 4-38, 42 and 43 were previously cancelled without prejudice or disclaimer. By this Amendment and Response, claim 44 is canceled without prejudice or disclaimer and claim 50 has been amended. Claim 50 has been amended to correct a typographical which resulted in a duplication of dependent claims (*i.e.*, claims 47 and 50). This amendment does not raise an issue of new matter and entry thereof is respectfully requested.

In view of the remarks which follow, reconsideration and withdrawal of the rejection is respectfully requested.

35 U.S.C. § 102 (a)

Claims 1-3, 39-41, and 44-52 remain rejected under 35 U.S.C. § 102 (a) as allegedly anticipated by Chen et al. The Office alleged that the reference teaches the cloning and expression of a CARM1 nucleic acid identical to SEQ ID NO:1 and that while Chen et al. was published after the filing date of the provisional application (Serial No.: 60/112,523) the provisional application fails to provide support for the current limitation to 90% sequence identity to SEQ ID NO:1 in claim 1 and 95 % identity in claim 45. The Office noted that because the claims cannot be afforded the benefit of the filing date of the provisional application, the claims remain anticipated by the reference.

Applicant respectfully traverses and directs the Examiner to the attached Declaration Under 37 C.F.R. § 1.132 of the coinventors to establish that the cited reference is describing Applicants' own work. Since the cited reference was published less than one year from the date of the utility (as compared to the provisional priority application), the reference cannot be cited against the claims under 35 U.S.C. §§ 102 or 103. (See MPEP § 715.01(c) (Rev. 1, Feb. 2000)).

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Objections to the Claims

Claims 47 and 50 were objected to on the ground they were identical. Claim 50 has been amended herein to depend on claim 49, thereby removing duplicity of claimed subject matter.

Claim 44 was rejected under 35 U.S.C. § 112, second paragraph for allegedly being dependent on a rejected base claim. By this response, claim 44 was canceled thereby removing the grounds for rejection.

In view of the preceding amendments, reconsideration and withdrawal to the objections of the claims is respectfully requested.

III. CONCLUSION

No fee is deemed necessary in connection with the filing of this response. However, if the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2518**, referencing billing number 2023915-7004204001. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account. Should a telephone interview advance prosecution of the subject application, the Examiner is invited to contact the undersigned at (650) 849-4950.

Respectfully submitted,

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